UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF MICHIGAN
NORTHERN DIVISION

UNITED STATES OF AMERICA,

        Plaintiff,

                                     CASE NO. 2:19-CR-12

v.

                                     HON. ROBERT J. JONKER

RYAN STEVEN OWENS,

        Defendant.

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ORDER ADOPTING REPORT AND RECOMMENDATION

The Court has reviewed the Report and Recommendation filed by the United States Magistrate Judge in this action on January 28, 2020. The Report and Recommendation was duly served on the parties, and no objection has been filed within the time required by law. Based on this, and on the Court's review of all matters of record, including the audio transcript of the original plea proceeding, the clarification hearing on January 24, 2020, and the subsequent plea proceeding on January 28, 2020, **IT IS ORDERED** that:

1.   The Report and Recommendation of the Magistrate Judge (ECF No. 54) is approved and adopted as the opinion of the Court.

2.   Defendant's plea of guilty is accepted and defendant is adjudicated guilty of the charge set forth in Count 2 of the Indictment.

3.   The written plea agreement is hereby continued under advisement pending sentencing. The Court notes that the plea agreement itself has no promise by the defendant of cooperation, and no promise of proffer protection by the government. Nor is there any separate agreement

by the defendant to cooperate. However, there is a separate agreement in which the government made promises to defendant that are consistent with U.S.S.G. § 1B1.8. The Court has reviewed the document. The government's promises have potential impact at sentencing, and they therefore necessarily have potential impact on the consequences of Defendant's guilty plea. The separate agreement must therefore be part of the record even though the defendant has not agreed to cooperate. Accordingly, the Court directs the parties to file a copy of the Proffer Letter on the record of the case.

4.   Defendant shall remain detained pending sentencing on March 23, 2020.

Date: February 18, 2020   /s/ Robert J. Jonker
                                                        ROBERT J. JONKER
                                                        CHIEF UNITED STATES DISTRICT JUDGE